

## **REMARKS**

### **CLAIM STATUS**

Claims 1, 2, 4, 7-9, and 12-18, and 25-30 are pending in this application. Claims 1, 12, 18, 25, and 26 are the independent claims. Claims 1, 4, 12, 13, 18, and 25 have been amended and new claims 26-30 have been added. Claims 5, 6, 10, and 11, were previously canceled while claims 3 and 19-24 are presently canceled without prejudice or disclaimer.

### **SUMMARY OF OFFICE ACTION**

The outstanding Office Action is a final rejection that again acknowledges the claim for foreign priority and the receipt of the priority document. The outstanding Office Action further acknowledges consideration of the references cited by the IDS filed on August 19, 2008, but continues to fail to acknowledge consideration of the references cited by the IDS filed on June 19, 2007. The outstanding Office Action also again notes the Examiner's acceptance of the drawings filed on December 5, 2003.

In addition, the outstanding Office Action presents a rejection of claims 3 and 19 under the second paragraph of 35 U.S.C. §112, presents a rejection of claims 1-3, 7-9, 12-16, and 18-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku (U.S. Patent Application Publication No. 2002/0049728, hereinafter "Kaku") in view of Carlson (U.S. Patent No. 6,694,151, hereinafter Carlson), a rejection of claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Muroya et al. (U.S. Patent Application Publication No. 2004/0148404, hereinafter Muroya) and a rejection of claim 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Moores, Jr. et al. (U.S. Patent Application Publication No. 2004/0201738, hereinafter "Moores").

### **IDS FILED JUNE 19, 2007**

As noted in the last response, an Information Disclosure Statement (IDS) was filed on June 19, 2007, that cited two U.S. Patent Application Publications and three Japanese documents

on a substitute Form 1449/PTO. Copies of the three Japanese documents were included with English Language Abstracts and it was noted that two of the three Japanese documents corresponded to the two cited U.S. Patent Application Publications. Applicant again requests a copy of this substitute Form 1449/PTO that has been signed and initialed in accordance with the rules to indicate consideration of these references or an appropriate explanation for the failure to follow the rules and provide such confirmation of consideration.

**REJECTION OF CLAIMS 3 AND 19 UNDER 35 U.S.C. §112, PARAGRAPH 2**

Items 4-5 on pages 2 and 3 of the outstanding Action present a rejection of claims 3 and 19 under the second paragraph of 35 U.S.C. §112. This rejection is respectfully submitted to be now moot in view of the cancellation of these claims and withdrawal of this rejection is respectfully requested.

**REJECTION OF CLAIMS 1-3, 7-9, 12-16, AND 18-25 UNDER 35 U.S.C. §103(a)**

Item 7 on page 3 of the outstanding Action presents a rejection of claims 1-3, 7-9, 12-16, and 18-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson. This rejection is respectfully submitted to be moot as to canceled claims 3 and 19-24 and is traversed as to claims 1, 2, 7-9, 12-16, 18 and 25.

With regard to amended independent claim 1 limitations, there is at a minimum no teaching or suggestion in Kaku or Carlson of the “communication range restricting means for limiting wireless data transmission from the imaging communication means and wireless data reception by the imaging communication means to be in an angular range along a direction in common with an imaging direction of the associated imaging means” that “further restricts the angular range to have an angular extent that matches an imaging angle of view of the associated imaging means” so that “the control means controls the imaging communication means to transmit image data representing the image of the subject obtained by the imaging means to the terminal device of the subject carrying the terminal device that is in the angular range of the communication range restricting means for display thereon.”

The paragraph bridging pages 3 and 4 of the advisory Action argues that the FIG. 5 embodiment of Carlson (discussed at col. 5, lines 8-24) teaches the plastic case or outer enclosure 56 of the Carlson suggested camera is lined with a conductive surface like a conductive paint or metal film to form a Faraday cage 54 about the electronics of the digital camera. It is then argued (at page 4 of the Advisory Action) that that this Faraday cage 54 “would prohibit the camera from receiving signal form [from] anywhere except the front of the camera” and that FIG. 3 of Carlson shows that “the antenna only transmits or receives in a direction of the lens.”

However, even if the Faraday cage 54 could be used to form a directive antenna as suggested at col. 5, lines 18-21, nothing is taught as to FIG.5 or col. 5, lines 8-24, that suggests some reason for having the angular range of antenna transmission and reception restricted to having “an angular extent that matches an imaging angle of view of the associated imaging means” as specified by amended claim 1. Also FIG, 3 of Carlson has a different directive antenna 27 that is clearly not associated with the antenna elements 42, 48 that are formed in housing 56 of FIG. 5 and that points in a direction different from that of lens 14. Moreover, nothing illustrated in FIGS. 3 or 5, or described or shown elsewhere in Carlson, suggests that the camera 12 would have a lens 14 having any particular angle of view, much less one that encompassed everything in front of the camera.

As further noted in the last response and unanswered by the Advisory Action, the Kaku FIG. 24 embodiment is completely different from the relied upon paragraph [0027] embodiment that uses “a timing detecting unit” that “detects positions of both the objected character and an object to absorb attention of the character.”

To the extent that the PTO is suggesting that the teaching of paragraph [0027] that “[a]t least one of the radio waves transmitted and received between the transmitter and the receiver is directive” can be viewed in a vacuum apart from the remaining context of paragraph [0027] that establishes that this is done when “a timing detecting unit” is used that “detects positions of both the objected character and an object to absorb attention of the character,” such an approach violates precedent. See *Kotzab, id.*, noting that “[reference] statements cannot be viewed in the abstract” because “they must be considered in the context of the teaching of the entire reference.”

This is not new law, note *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984) requiring there to be "a fair reading of the prior art reference as a whole." Also note *In re Ehrreich*, 590 F2d 902, 200 USPQ 504 (CCPA, 1979) that requires that one "must consider the entirety of the disclosure made by the references, and avoid combining them indiscriminately."

Furthermore, to whatever extent that the paragraph [0027] teaching that "[a]t least one of the radio waves transmitted and received between the transmitter and the receiver is directive" is applicable to the FIG. 24 embodiment, it simply teaches that either the radio wave transmitter 360 would transmit directional radio waves or that the radio wave detector 370 receives the directional radio wave transmitted from the radio wave transmitter 360. Nothing in paragraph [0027] teaches that the radio wave detector 370 should also have its own radio wave transmission antenna and be configured as a device capable of transmitting and receiving a radio wave like the transceiver suggested by Carlson.

Accordingly, even if the artisan were to attempt to adapt the above-noted teachings of Carlson and the embodiment of paragraph [0027] of Kaku to modify the embodiment of FIG. 24 of Kaku for reasons not adequately explained in the outstanding Action, there would still be no valid *prima facie* case of obviousness as to the subject matter recited by independent claim 1 that is also incorporated into dependent claims 2 and 7-9. Consequently, the withdrawal of the rejection of claims 1, 2, and 7-9 under 35 USC § 103(a), as being unpatentable over Kaku in view of Carlson is respectfully requested.

Besides dependent claims 2, and 7-9 patenably defining over Kaku in view of Carlson because of their dependency on claim 1, each of these dependent claims set forth further features that are also not taught or suggested by Kaku in view of Carlson. Consequently, the withdrawal of the rejection of dependent claims 2, and 7-9 under 35 USC § 103(a), as being unpatentable over Kaku in view of Carlson is respectfully requested for this reason as well.

Turning to independent claims 12, 18, and 25, these independent claims have been amended to include recitations of the communication range restricting means subject matter similar to that of amended claim 1. As noted above, the reliance on Carlson to teach this subject matter is clearly misplaced.

Consequently, the withdrawal of the rejection of independent claims 12, 18, and 25 under 35 USC § 103(a), as being unpatentable over Kaku in view of Carlson is also respectfully requested.

Claims 13-16 variously depend from independent claim 12. Therefore, claims 13-16 are respectfully submitted to be patentable over the combination of Kaku in view of Carlson for at least those reasons presented above with respect to independent claim 12. Thus, the rejection of dependent claims 13-16 under 35 USC § 103(a), as being unpatentable over Kaku in view of Carlson is respectfully requested for this reason.

In addition, as each of dependent claims 13-16 adds other features that are also not taught or suggested by Kaku in view of Carlson, the withdrawal of the rejection of dependent claims 13-17 under 35 USC § 103(a), as being unpatentable over Kaku in view of Carlson is respectfully requested for this reason as well.

**REJECTION OF CLAIM 4 UNDER 35 U.S.C. §103(a)**

Item 9 on page 11 of the outstanding Action presents the above-noted rejection of claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Muroya. This rejection is traversed.

Muroya is cited as to the subject matter added by claim 4 and does not cure the deficiency noted above as to the reliance on Kaku in view of Carlson. Accordingly, claim 4 patentably defines over the applied references for at least the same reason that parent independent claim 1 does and withdrawal of this improper rejection of claim 4 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kaku in view of Carlson in further view of Muroya is respectfully requested.

Besides dependent claim 4 patentably defining over Kaku in view of Carlson in further view of Muroya because of its dependency on independent claim 1, dependent claim 4 sets forth further features that are also not taught or suggested by Kaku in view of Carlson in further view of Muroya. Consequently, the withdrawal of the rejection of dependent claim 4 under 35 USC §103(a), as being unpatentable over Kaku in view of Carlson in further view of Muroya is respectfully requested for this reason as well.

**REJECTION OF CLAIM 17 UNDER 35 U.S.C. §103(a)**

Item 8 on page 11 of the outstanding Action sets forth the above noted rejection of claim 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaku in view of Carlson and further in view of Moores. This rejection is traversed.

Moores is cited as to the subject matter added by claim 17 and does not cure the deficiency noted above as to the reliance on Kaku in view of Carlson. Accordingly, claim 17 patentably defines over the applied references for at least the same reason that parent independent claim 12 does and withdrawal of this improper rejection of claim 17 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kaku in view of Carlson and further in view of Moores is respectfully requested.

Besides dependent claim 17 patentably defining over Kaku in view of Carlson and further in view of Moores because of its dependency on independent claim 12, dependent claim 17 sets forth further features that are also not taught or suggested by Kaku in view of Carlson and further in view of Moores. Consequently, the withdrawal of the rejection of dependent claim 4 under 35 USC §103(a), as being unpatentable over Kaku in view of Carlson and further in view of Moores is respectfully requested for this reason as well.

**NEW CLAIMS 26-30**

New claim 26 essentially combines the subject matter of previously presented claims 12 and 13. Relative to this subject matter, the outstanding Action has first of all erroneously relied on Carlson at page 8 of the outstanding Action as allegedly teaching plural cameras with overlapping image ranges at col. 4, lines 15-28. However no teaching or suggestion of any overlapping camera ranges is taught or suggested. The entirety of col. 4, lines 15-28 is reproduced below and the Examiner should point to this teaching of overlapping ranges therein in order to comply with 37 C.F.R. §104(c)(2) and *In re Rijckaert*, 9 F.3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (“When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.”):

The transceiver 10 is controlled by the microprocessor 18 to transmit and receive digital image files and other information to and from other cameras and communication devices in the neighborhood of the camera 12. The antenna switch 32 is under control of the microprocessor 18 and can switch between directional antennas 28 and 30. The microprocessor 18 receives an RSSI (received signal strength indicator) signal from the transceiver and periodically switches back and forth (e.g. every few seconds) between the antennas to determine which provides the strongest RSSI signal. This provides spatial diversity to the transceiver. Alternatively, the microprocessor can monitor the rate of packet errors and switch between the antennas to minimize the packet error rate.

While communication to and from other cameras and “communication devices” is taught, the only mention of control by microprocessor 18 is that of controlling switching between the two antennas of the individual cameras to determine which of the antennas of that camera receives the strongest signal. Accordingly, not only is there no teaching or suggestion of cameras with overlapping ranges, there is none of “the controllers in each of the cameras includes means for controlling an associated communication means of each of the plurality of cameras, so that when all the plurality of the cameras become able to communicate data with the terminal device, imaging means in the plurality of cameras take respective images to be transmitted by the associated communication means to the terminal device to display the respective images on the display of the terminal device.”

Therefore, new independent claim 26 clearly patentably defines over the applied references.

Furthermore, new claims 27-30 that include subject matter essentially paralleling that of dependent claims 14-17 and that all ultimately depend from new independent claim 26 should also be considered to patentably define over the applied references.


**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo, Jr., Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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